



Federal Communications Commission
Washington, D.C. 20554

Adopted: August 6, 2003
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Ms. Michelle A. Thomas
Executive Director – Federal Regulatory
SBC Telecommunications, Inc.
1401 I Street, NW, Suite 1100
Washington, DC 20005

RE: *SBC/Ameritech Merger Order*, CC Docket No. 98-141

Dear Ms. Thomas:

This letter addresses SBC Communications, Inc.'s (SBC's) request¹ to postpone the scheduled implementation dates for some submeasures of the version 3.0 Texas Business Rules under the *Merger Order* Performance Plan in the SBC Midwest region.² Specifically, SBC seeks to postpone implementation of performance measures (PMs) 5a and 12c from June 20th to September 2003. For the reasons provided herein, I grant SBC's request, pursuant to the *SBC/Ameritech Merger Order*.³

On July 14, 2003, the Wireline Competition Bureau (Bureau) granted SBC's request to adopt the version 3.0 Texas Business Rules and implementation schedule in the SBC Midwest region.⁴ SBC states that during implementation it discovered that the required changes to PMs 5a and 12c were not simply parity benchmark comparison changes as previously anticipated, but rather required creating new disaggregations and therefore necessitated additional programming.⁵ SBC requests that the

¹ Letter from David Cartwright to Marlene H. Dortch, Secretary, Federal Communications Commission, CC Docket No. 98-141 (filed July 25, 2003).

² The Performance Plan was adopted in the *SBC/Ameritech Merger Order*. *Applications of Ameritech Corp., Transferor, and SBC Communications, Inc., Transferee, For Consent to Transfer Control of Corporations Holding Commission Licenses and Lines Pursuant to Sections 214 and 310(d) of the Communications Act and Parts 5, 22, 24, 25, 63, 90, 95, and 101 of the Commission's Rules*, CC Docket 98-141, Memorandum Opinion and Order, 14 FCC Rcd 14712, App. C, Attach. A (1999) (*SBC/Ameritech Merger Order* or *Merger Order*). The *Merger Order* Performance Plan requires SBC to report performance measurement data to the Commission each month, and to make payments to the United States Treasury should it fail to meet certain performance standards. *Merger Order*, 14 FCC Rcd at 15000, para. 23.

³ *SBC/Ameritech Merger Order*, 14 FCC Rcd at 14712, Attach. A, para. 4.

⁴ See Letter from Carol E. Matthey, Deputy Chief, Wireline Competition Bureau, Federal Communications Commission to Michelle A. Thomas, Executive Director – Federal Regulatory, SBC Telecommunications, Inc., CC Docket No. 98-141, DA 03-2307 (July 14, 2003).

⁵ SBC requests postponing the implementation date for the following PMs: 5a UNE-P FW (requiring field work) new and move orders, parity with ILEC fielded new and move orders; 5a UNE-P FW change and conversion orders compared to ILEC fielded change orders; 5a UNE-P NFW (not requiring field work) new and move compared to ILEC NFW new and move orders; 5a UNE-P NFW change and conversion orders compared to ILEC NFW change orders; 12c ISDN PRI No Dispatch parity with DDS; 12c Analog Line Port Dispatch parity with VGPL; 12c Analog Line Port No Dispatch parity with VGPL; 12c Combined voice and data - dispatched, 9 hour benchmark; 12c Combined voice and data - no dispatch, 9 hour benchmark; 12c Optical loop - dispatched, diagnostic; 12c Optical loop - no dispatch, diagnostic.

implementation date for these submeasures be changed to the date in the original implementation schedule for other PMs that required new disaggregations, September 2003.

I am persuaded to grant SBC's request in light of the additional programming that will be required to implement PMs 5a and 12c. In granting the original implementation schedule for the revised Texas 3.0 Business Rules, the Bureau and SBC contemplated that certain submeasures would require additional programming to implement and thus warranted a later implementation date. I recognize that maintaining the existing implementation schedule for PMs 5a and 12c may impose an unnecessary burden on SBC, given that other performance measures that required similar work to implement were given a later due date. I therefore grant SBC's request to postpone implementation of PMs 5a and 12c and begin reporting the new measures with data from September 2003.

If SBC disagrees with any of this letter's guidance, it may file an application for review with the Commission pursuant to section 1.115 of the Commission's rules.⁶

Please do not hesitate to contact me if I can be of further assistance. In addition, you may contact Bill Dever, Assistant Division Chief, Competition Policy Division in the Wireline Competition Bureau at (202) 418-1578.

Sincerely,

Carol E. Matthey
Deputy Chief, Wireline Competition Bureau

⁶ 47 C.F.R. § 1.115.